

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Casados	Team: Team # 5	CCRB Case #: 201010648	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/30/2010 5:30 PM	Location of Incident: § 87(2)(b)	Precinct: 41	18 Mo. SOL 12/30/2011	EO SOL 12/30/2011	
Date/Time CV Reported Tue, 08/03/2010 7:54 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 08/03/2010 7:54 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Michael Gibbs	04336	906330	041 PCT
2. POM Rigoberto Licon	17349	943485	041 PCT
3. POF Stephanie Fidanza	05835	944560	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Nora Greene	19943	917719	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Rigoberto Licon	Force: PO Rigoberto Licon used physical force against § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
B.POF Stephanie Fidanza	Force: PO Stephanie Fidanza struck § 87(2)(b) § 87(2)(b) with a radio.	§ 87(2)(b)
C.POF Stephanie Fidanza	Force: PO Stephanie Fidanza used physical force against § 87(2)(b) § 87(2)(b).	§ 87(2)(b)
D.SGT Michael Gibbs	Discourtesy: Sgt. Michael Gibbs spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(b).	§ 87(2)(b)

## Case Summary

On June 30, 2010, at approximately 5:30 p.m., § 87(2)(b) § 87(2)(b) was at her home residence at § 87(2)(b) § 87(2)(b), in the Bronx, when two ACS workers and PO Rigoberto Licona and PO Stephanie Fidanza arrived. They had arrived to take away § 87(2)(b) § 87(2)(b)' children, one of whom is § 87(2)(b) and the other is a toddler. § 87(2)(b) § 87(2)(b) refused to hand over her children. The father of the children, § 87(2)(b) § 87(2)(b), arrived home. Right after he came in the door, PO Licona grabbed him by the front of his neck and put him against a wall (**Allegation A**). The officers told § 87(2)(b) § 87(2)(b) not to resist and attempted to handcuff him, though § 87(2)(b) § 87(2)(b) reported that he did not resist. PO Fidanza then struck § 87(2)(b) § 87(2)(b) with her radio above his left eye (**Allegation B**). § 87(2)(b) § 87(2)(b) then attempted to record the incident with her cell phone camera. PO Fidanza, while still trying to retain § 87(2)(b) § 87(2)(b), tried to kick § 87(2)(b) § 87(2)(b)' cell phone from her hand. PO Fidanza successfully kicked § 87(2)(b) § 87(2)(b)' right hand, causing her to drop the cell phone (**Allegation C**). The officers called for back up, and § 87(2)(b) § 87(2)(b) ran into her bedroom with her two children. A few minutes later, several additional uniformed officers arrived. Sergeant Michael Gibbs walked into § 87(2)(b) § 87(2)(b) bedroom and told her, "Put that fucking baby down" (**Allegation D**). § 87(2)(b) § 87(2)(b)' children were taken away and she and § 87(2)(b) § 87(2)(b) were arrested and charged with § 87(2)(a) 160.50

§ 87(2)(b) § 87(2)(b). One other individual, § 87(2)(b) § 87(2)(b), was arrested during the incident and received the same charges as § 87(2)(b) § 87(2)(b). § 87(2)(b) § 87(2)(b) refused to provide his contact information and stated that she did not pay attention to him during the incident, so she did not know how he was apprehended. § 87(2)(b) § 87(2)(b) reported that of the first two officers to arrive, one was a female and one was a male. According to the BADS arrest report narrative, PO Licona and PO Fidanza were the first officers on scene. The CTS confirms that PO Licona is a male and PO Fidanza is a female. § 87(2)(b) § 87(2)(b)' read "Gibbs" from the shield of the officer who walked into her room. The BADS arrest report confirms that Sergeant Michael Gibbs arrived on scene during the incident. § 87(2)(g), § 87(2)(b)

§ 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) filed this complaint with the CCRB via the call processing system on August 3, 2010. The undersigned investigator called § 87(2)(b) § 87(2)(b)' cell phone on August 6, 2010. At that time, she and § 87(2)(b) § 87(2)(b)—with whom she lives—agreed to arrive at the CCRB to provide an in-person statement on August 17, 2010. § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) did not arrive at the CCRB for their respective interviews, nor did they call to cancel or reschedule. The investigator called § 87(2)(b) § 87(2)(b) on August 18, 2010, and left a voicemail message on her cell phone. § 87(2)(b) § 87(2)(b) returned the investigator's call on August 18, 2010, and again agreed to arrive at the CCRB along with § 87(2)(b) § 87(2)(b) on August 23, 2010. § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) drove to the CCRB for their interview date and arrived an hour and a half late. Upon their arrival, § 87(2)(b) § 87(2)(b) called the investigator and asked him to meet her outside. She and § 87(2)(b) § 87(2)(b) and their two children were sitting in their car, blocking traffic and § 87(2)(b) § 87(2)(b) was crying. She and § 87(2)(b) § 87(2)(b) stated that they could not find parking and had no money to pay for garage parking. She and § 87(2)(b) § 87(2)(b) agreed to reschedule an appointment date and arrive via the subway. The investigator informed them that if they missed another scheduled appointment, the case would be closed without a full investigation. They said they understood. On August 25, 2010, the investigator called § 87(2)(b) § 87(2)(b)'s cell phone and received a continuous beeping sound. The investigator immediately called § 87(2)(b) § 87(2)(b)' cell phone, and she did not answer, but the investigator left a voicemail message.

On August 31, 2010, the investigator called § 87(2)(b)' cell phone, and she again agreed to arrive at the CCRB for an interview on September 2, 2010. § 87(2)(b) stated that she did not know if § 87(2)(b) could arrive as well. The investigator called § 87(2)(b)'s cell phone on August 31, 2010, and left a voicemail message for him. § 87(2)(b) did not return the investigator's call. § 87(2)(b) did not arrive at the CCRB for her scheduled interview, nor did she call to cancel or reschedule. The investigator mailed a please call letter to § 87(2)(b) and § 87(2)(b) on August 5, 2010, and a missed appointment letter on August 17, 2010. The please call letter was returned to the investigator by the USPS as undeliverable on August 20, 2010. § 87(2)(b) later confirmed that the letter had gone to her and § 87(2)(b)'s former address. The investigator queried the NYC Department of Correction on September 3, 2010, which did not indicate that either § 87(2)(b) or § 87(2)(b) was incarcerated. § 87(2)(g), § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: \_\_\_\_\_

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Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date